

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of DIEMON WILLIAMS, Minor.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

THIKICA WILLIAMS,

Respondent-Appellant,

and

MARSHALL HURST,

Respondent.

---

UNPUBLISHED

June 12, 2007

No. 274428

Calhoun Circuit Court

Family Division

LC No. 2005-001632-NA

Before: Fitzgerald, P.J., and Sawyer and O'Connell, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), (j), and (l). We affirm.

The trial court did not clearly err in finding the statutory grounds for termination established by clear and convincing evidence, or that termination was not clearly contrary to the child's best interests. MCL 712A.19b(5); MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353, 364-365; 612 NW2d 407 (2000). Furthermore, the court made sufficient findings on the best interest issue. *In re Gazella*, 264 Mich App 668, 677-678; 692 NW2d 708 (2005). Respondent-appellant repeatedly relapsed on alcohol and failed to make sufficient progress on her substance abuse issues. Diemon needed permanency and structure, and respondent-appellant would not be able to provide a permanent, safe, stable home for at least six to twelve months.

We also find that respondent-appellant was not deprived of the effective assistance of counsel. *People v Shively*, 230 Mich App 626, 628; 584 NW2d 740 (1998); *In re Trowbridge*, 155 Mich App 785, 786; 401 NW2d 65 (1986). The court gave respondent-appellant another chance after the first termination hearing, but she continued to relapse and Diemon was suffering from lack of permanency. She had two prior terminations that provided independent grounds for

terminating her rights to Diemon. Thus, it was the facts of the case, and not mistakes by counsel, that led to termination of respondent-appellant's parental rights.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ David H. Sawyer

/s/ Peter D. O'Connell